

INSTRUCTIONS FOR PREPARING ENVIRONMENTAL  
REVIEW DOCUMENTS FOR A LOUISIANA STATE REVOLVING LOAN PROJECT

All projects funded through the SRF must conduct an environmental review that evaluates the proposed work, site, cost, and environmental impacts of the project in an Environmental Information Document (EID) as part of the Facilities Plan. The EID as required by 40 CFR, Part 6, Volume 40, April 14, 1975, as amended, is one of the most important documents in the facilities planning process. EID's may be entered as evidence in hearings and court actions, therefore, they must be properly prepared. Keep in mind that the main purposes of the environmental review process are to insure consideration of environmental factors and encourage public participation in the planning and decision-making process.

The EID format is attached. Enter a response for each topic; if a topic does not apply to a given project, explain why. Do not belabor the point but discuss each item in sufficient detail so that the environmental impact of the project may be properly assessed. Discuss additional topics and add other sections if necessary, since the format covers only the minimum topics which must be considered. Provide sources for all data, maps, tables, charts, etc.

Data in the EID which is not in agreement with data presented in the facilities plan and/or failure to identify adverse effects that might result from the construction and operation of the project will delay subsequent loan offer. Significant amendments to the facilities plan should also result in corresponding amendments to the EID.

For further information regarding the preparation of the EID contact:

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Sample Format  
for  
Environmental Information Document

Environmental Information Document

for

Name of Loan Applicant  
LDEQ Loan number

Date Prepared  
Name of Preparer  
Address of Preparer  
Phone number of Preparer

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SECTION I. DESCRIPTION OF THE PROBLEM

Generally describe the purpose of this project. This description should clearly identify the existing pollution problem(s) and the circumstances which cause the problem(s). Violations of existing NPDES permits, pollution of surface or ground water, and health problems should be documented.

- A. Briefly describe the treatment process(es) now in use.
- B. State the current influent and effluent quality and give the present degree of treatment in terms of BOD<sub>5</sub>, TSS, NH<sub>3</sub>, DO and any other permit limitations.
- C. Identify the receiving stream and its Stream Subsegment and Drainage Basin number for the present treatment plant.
- D. Briefly describe the collection system and any improvements and/or rehabilitation needed.

SECTION II. PROJECT DESCRIPTION

- A. Describe the proposed treatment facility.
  1. Briefly describe the treatment process(es) proposed
  2. If existing treatment facilities are present
    - a. Outline future plans for the plant(s)
    - b. State which units will be retained
    - c. State if the existing site will be retained.
  3. Indicate the size of the facilities based on:
    - a. Average daily flow for both current & design years
    - b. Peak flow for both current & design years
    - c. Population for both current & design yearsList the planning area population in 10 year increments through the design year for the project- -usually 20 years).
  4. State the expected influent and effluent quality and degree of treatment to be obtained in terms of BOD<sub>5</sub>, TSS, NH<sub>3</sub>, DO and any other factors limited by the NPDES permit.
  5. Identify the receiving stream and its Stream Subsegment and Drainage Basin number.

6. Identify land required for the treatment plant (If land is not already owned by the loan applicant, provide the following information).
    - a. Has the land owner been contacted?
    - b. Has the land been appraised by an independent appraiser?
    - c. Has owner agreed to settlement?
    - d. Does the land acquisition involve relocating any residents?
    - e. Is the land acquisition expected to be controversial?
    - f. Is the cost of the land eligible for SRF funding?
  7. Describe the method of sludge disposal. If sludge is to be landfilled give permit status and location of the landfill.
  8. Describe the method of effluent disinfection to be utilized.
- B. Describe any proposed additions, improvements or repair to the collection system. Demonstrate that the receiving facilities have or will have adequate capacity to treat any added flows for the design life of the project.
  - C. Describe the total area to be affected by this project. A map depicting the location of all proposed elements in relation to existing residences and commercial establishments and the limits of the service area must be included.
  - D. Discuss the consistency with the project and the applicable Water Quality Management Plan and the community's plan of development.

### SECTION III. ALTERNATIVES TO THE PROPOSED ACTION

- A. This section shall contain a systematic development of feasible alternatives for the solution of the water quality problems. Emphasis should be placed on projects that will involve new site selection, interceptor route, or construction in environmentally sensitive areas. These alternatives must be screened with respect to physical, legal, or institutional constraints; regulatory requirements; capital and operating costs; and significant primary and secondary environmental effects and irreversible and unavoidable impacts. The analysis should discuss:

1. Alternative processes and/or locations considered. Include a map showing all locations considered.
  2. Alternative collection systems, flow and waste reduction measures, including infiltration and inflow (I/I) reduction.
  3. Alternative methods of sludge disposal, including process options, disposal options, and disposal locations.
  4. Cost analysis for each process.
  5. Reasons for accepting and rejecting alternatives must be presented with their significant environmental impacts. Greater cost shall not be the sole consideration for rejection of an alternative. If project alternatives involve impacts to environmentally sensitive areas, care should be taken that adequate consideration is given to those alternatives which would not involve these impacts.
- B. If any part of the project is being planned in a 100-year floodplain then the following procedures in accordance with Executive Order 11988 (See Attachment A) must be followed. It must be demonstrated that no direct or indirect impacts upon floodplains will result from the project unless it can be shown that there is no practical alternative or that no significant impacts--increased flood elevations, danger to public health and safety, or damage to the natural functions of the floodplain--will result from the action. Include a copy of the Federal Emergency Management Agency Flood Boundary and Floodway Map for the planning area.
1. Direct Impact--Consider and discuss alternatives to avoid construction within the floodplain. Demonstrate by analyzing environmental, cost, and technical factors that there is no practicable alternative to construction in the floodplain.
    - a. If no alternatives are practicable other than using the floodplain, then prior to taking action, design or modify the proposed project to minimize potential harm to the floodplain.

Provide a description of the measures to be taken and:

- b. Prepare and circulate a Floodplain Management Notice containing an explanation of why the action is proposed to be located in the floodplain. The notice should be a maximum of three pages in length including a location map, and should be distributed to the local Council of Governments, the appropriate district or field office of the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service, the Federal Emergency Management Agency, and the Louisiana Department of Environmental Quality (See Attachment C). This notice may be circulated with the EID if it is a separate clearly identified document. The notice shall include:

- (1) The reasons why the action is proposed to be located in a floodplain;
- (2) A statement indicating how the action will conform to applicable Federal, State or local floodplain protection standards;
- (3) A list of the alternatives considered;
- (4) A map showing the relationship between the floodway and the floodplain that includes the maximum flood elevation and the elevation to which the facilities will be protected.

- c. This notice shall also be made available for public review during the public hearing.

C. Procedure for construction taking place in wetlands (See Attachment D).

- 1. As with floodplains, show that no practicable alternative to construction in the wetlands exists and demonstrate that the proposed action includes any practicable measure to minimize harm to wetlands which may result from such use. Include maps illustrating the relationship between the construction and the wetlands.
- 2. Economic, technological and environmental factors should be taken into account, in making the above



finding. These include:

- a. Public health, safety and welfare; including the supply, quality, recharge and discharge, and pollution of water; flood and storm hazards; and sediment and erosion.
  - b. Maintenance of natural systems, including conservation and long-term productivity of existing flora and fauna; species and habitat diversity and stability; hydrologic utility; and fish wildlife, timber and food and fiber resources.
  - c. Other uses of wetlands in the public interest, including recreational, scientific, and cultural uses.
3. Review of any plans or proposals for new construction in wetlands shall be made available for public review during the public hearing.

#### SECTION IV. ENVIRONMENTAL SETTING

- A. Describe the existing environment without the proposed project. Use existing data sources when possible and provide bibliographic references.
  1. Geological Elements--Describe the general topography and geology of the area with special attention to any geologic structures or formations that have a direct influence on ground or surface water. If a land application system is proposed or septic tanks are to be replaced, provide descriptions of the soils series and a map of their location. Identify any important farmland in the planning area. Discuss the entire planning area but give special attention to the existing and alternative treatment facilities sites.
  2. Hydrological Elements--Discuss the relevant surface water bodies and groundwater aquifers of the area. Discuss water quality of the receiving stream using physical, chemical and biological parameters. Identify court-ordered allotments and other Federal, State and local permits in the area. Discuss the present and future water supply and uses for both surface and groundwater resources.
  3. Climatic Elements--Describe temperature,

precipitation and prevailing wind characteristics of the area. Discuss existing air quality in relation to the State Implementation Plan for the National Ambient Air Quality Standard.

4. Biological Elements--Discuss the major plant and animal species which occur in the planning area. Special attention should be given to any endangered or threatened species.
  5. Ecological Elements--Describe the major ecosystems of the planning area and the biological significance of the ecosystems to the surrounding community. Describe any critical habitats, national parks and forests, fish and wildlife refuges, important farmlands, barrier islands or other environmentally sensitive areas that may be in the planning area. Provide a map(s) delineating these elements.
  6. Cultural Resources--Describe any historical, cultural, or archeological resources and national natural landmarks in the planning area.
- B. Briefly summarize the future environment without a project in terms of the environmental setting developed in Section IV.A.

## SECTION V. ENVIRONMENTAL IMPACT OF THE PROPOSED ACTION

- A. Primary Impacts. Discuss all impacts which can be attributed directly to the proposed action. These would normally be related to construction and operation of the collection and treatment facilities and the land use changes at the treatment plant site.
1. Short-Term Impacts
    - a. Describe alterations to landforms, streams, and natural drainage patterns.
    - b. Describe the extent to which area watercourses will be affected by siltation and sedimentation and the mitigative measures to be taken. Specify the erosion and sediment runoff control measures to be employed.
    - c. Discuss the effects of dredging, tunneling, and trenching on area watercourses and mitigative

measures to be taken.

- d. Describe the precautions to be taken to avoid injury to cover vegetation, including trees.
- e. If land clearing will involve the use of herbicides, defoliants, blasting, cutting or burning, identify and describe the precautionary measures to be taken to protect the area's environment.
- f. Specify the final disposal method for soil and vegetative spoil. If a landfill or other permitted form of disposal is to be used, indicate compliance with the local, State, and Federal regulations.
- g. If land is to be acquired discuss the project's effect on adjacent land values and the land use changes that will take place at the facility site.
- h. If facilities are to be abandoned, describe what will be done with the existing structures and to what use the land will be put.
- i. Indicate how NPDES permit requirements will be met should the need for bypassing sewage arise during construction.
- j. Describe the procedures to be followed to comply with all required Army Corps of Engineers permits for any construction that will occur in a waterway.
- k. Specify the measures to be taken to control dust during construction.
- l. Specify the precautions to be taken to protect area residents and wildlife from construction related noise. Demonstrate compliance with OSHA standards.
- m. Describe the precautions to be taken to minimize vehicular and pedestrian traffic disruption and describe the safety provisions required to protect the public from construction hazards.
- n. Discuss the effects of night work, if any, on

the environment.

2. Long-Term Impacts

- a. Specify the type (current use) and amount of land that will be affected by construction of the project. e.g., Is this important farmland or are wetlands to be impacted?
- b. Describe any beneficial uses of this land that will be eliminated by construction of the project and why it will be necessary to do so.
- c. Describe how the natural or present character of the plant site or project area will be altered.
- d. Indicate the degree to which the proposed structures will interfere with or obstruct scenic views.
- e. Describe the architectural techniques that will be used to blend the structure with the environment and any landscaping to be provided.
- f. Indicate the prevailing wind patterns in relation to the project site and the residential and business community. Present a comprehensive assessment of the project's potential odor problems and measures taken to control odors.
- g. State whether the project will conform with the basin or areawide plans for meeting water quality standards and discuss the effects of the project on present water quality.
- h. If land application of effluent or sludge is proposed, describe its effects on ground and surface water quality and quantity. Particular emphasis should be placed on the potential for contamination of shallow or localized groundwater resources.
- i. Indicate any beneficial or adverse effects of the project on aquatic biota. Describe any effects that chlorine residuals may have upon aquatic life.
- j. Describe the project's effects on historical sites, cultural and archeological resources,

threatened or endangered species, Wild & Scenic Rivers, the Coastal zone, parks and other recreation areas, and any environmentally sensitive area in the planning area.

- k. Identify the measures to be taken to eliminate noise hazards.
- l. Specify the precautions to be taken to control access by unauthorized persons to the facility.
- m. Discuss insect control programs that may be needed as a result of the project. If pesticides are to be used, the method of application should be

described. Also discuss their potential effects on water quality and non-target species.

- B. Secondary Impacts Discuss those impacts, adverse and beneficial, that result from indirect and induced changes caused by the proposed project.

- 1. Discuss the economic impacts including the estimated monthly charge for operation and maintenance, the estimated monthly charge for debt service, the estimated connection charge, and the total monthly charge to the average residential customer for the new system being funded. Describe the revenue source to repay the loan and the amount of reserves required for the loan.
- 2. The impacts of the project on future development must be assessed. If the project is expected to contribute to significant changes in the rate, density, or type of development in the planning area, the effect of those changes on the following factors should be assessed and necessary mitigative measures described.
  - a. air quality
  - b. water quality (both surface and ground water)
  - c. public services
  - d. land use
  - e. floodplains
  - f. wetlands
  - g. threatened and endangered species
  - h. critical habitats
  - i. important farmlands

- j. barrier islands
- k any other environmentally sensitive areas

SECTION VI. ADVERSE IMPACTS WHICH CANNOT BE AVOIDED SHOULD THE PROPOSAL BE IMPLEMENTED

All adverse impacts described above should be discussed further in this section. Describe in detail the structural (facility design, size and location) and nonstructural (staging facilities, developing or enforcing land use regulations) measures to be taken to mitigate or eliminate significant adverse effects. Those impacts which cannot be reduced to acceptable levels shall be described in detail, regardless of the reasons why the action is being taken.

SECTION VII. RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF THE ENVIRONMENT AND LONG-TERM SAFETY AND PRODUCTIVITY

Describe the extent to which the proposed action involves tradeoffs between short-term environmental gains at the expense of long-term gains or vice versa and the extent to which the proposed action forecloses future options. Special attention shall be given to effects which narrow the range of future uses of land and water resources or pose long-term risks to health or safety. Explain the reasons the proposed action is believed justified now, rather than reserving a long term option for other alternatives.

SECTION VIII. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES TO THE PROPOSED ACTION, SHOULD IT BE IMPLEMENTED

- A. Describe the extent to which the proposed action requires commitment of land, construction materials, labor, and funds to design and implement the project.
- B. Describe any irreversible environmental damage that might result from equipment malfunctions or industrial accidents at the project site.
- C. Describe the irretrievable commitments of resources required for operation and maintenance of these facilities.

SECTION IX. PUBLIC PARTICIPATION

- A. Discussion. This section should contain a discussion and proposed resolution of any objections, complaints, or problems which have been voiced against the proposed action.

B. Public Hearing

1. General The applicant must hold a public hearing before adopting the facilities plan. This hearing may be combined with a required hearing on the Environmental Information Document/Environmental Impact Statement.
2. Notice of Meetings & Pubic Hearing At least 30 days prior to the hearing a written notice of the hearing must be sent to appropriate Federal and State agencies, interested environmental groups, appropriate local public officials, appropriate minority leaders and groups, and at least one local newspaper (See Attachment C). The notice shall include:
  - a. The date, time, and place of the hearing
  - b. A brief description of the proposed project, including the location(s) of any new treatment facilities
  - c. The cost of the project, including the estimated monthly bill to a typical residential household and any connection fee
  - d. The availability of the facilities plan and EID for the proposed project for public examination.
  - e. The following statement:  
"One of the purposes of this hearing (meeting) is to discuss the potential environmental impacts of the project and alternatives to it."
3. Public Review of Documents Pertaining to the Hearing  
  
A copy of the Facility Plan and EID shall be displayed at the hearing and at a convenient local site for public review approximately 15 days before the hearing.
4. Format of Public Hearing The hearing shall conform to the following general format:
  - a. Call to Order
  - b. Sign-in of everyone in attendance

- c. Statement of the purpose of the hearing which will include the following: "One of the purposes of this hearing is to discuss the potential environmental impacts of the project and alternatives to it."
  - d. The considerations to be taken into account under law and regulations; a brief description of the proposed project; the cost of the project, including the estimated monthly bill to a typical residential household and any connection fee; and information which is particularly solicited from the public.
  - e. A question-and-answer and/or comment period
5. Hearing Record The hearing record, which will be made a part of the EID, shall include the following:
- a. A copy of the public hearing notice (proof of publication).
  - b. A sample letter and a list of all addressees notified of the hearing.
  - c. A statement, signed by the applicant, stating that the Hearing was held in conformance with the Public Hearing Notice.
  - d. A list of all persons in attendance at the Hearing
  - e. A verbatim transcript, not a summary, of the entire Hearing.

C. Coordination of Review

- 1. Along with notice of the Hearing, the applicant must send a copy of site maps showing the location of all line work and building site(s) to the agencies listed on Attachment C.
- 2. A copy of all response letters from the above agencies must be included in the final EID. All issues raised by the commenting agencies must be addressed in a responsiveness summary as outlined in Attachment B



## **Attachment A**

### **Floodplain Management - Statement of the President Re Executive Order 11988. May 24, 1977**

#### **Statement of the President**

The floodplains which adjoin the Nation's inland and coastal waters have long been recognized as having special values to our citizens. They have provided us with wildlife habitat, agricultural and forest products, stable ecosystems, and park and recreation areas. However, unwise use and development of our riverine, coastal, and other floodplains not only destroy many of the special qualities of these areas but pose a severe threat to human life, health, and property.

Since the adoption of a national flood control policy in 1936, the Federal Government has invested about \$10 billion in flood protection works. Despite substantial efforts by the Federal Government to reduce flood hazards and protect floodplains, annual losses from floods and adverse alteration of floodplains continue to increase.

The problem arises mainly from unwise land use practices. The Federal Government can be responsible for or can influence these practices in the construction of projects, in the management of its own properties, in the provision of financial or technical assistance including support of financial institutions, and in the uses for which its agencies issue licenses or permits. In addition to minimizing the danger to human and nonhuman communities living in floodplains, active floodplain management represents sound business practice by reducing the risk of flood damage to properties benefiting from Federal assistance.

Because unwise floodplain development can lead to the loss of human and other natural resources, it is simply a bad Federal investment and should be avoided. In order to avoid to the extent possible the long- and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative, I have issued an Executive order on floodplain management.

#### **Executive Order 11988. May 24, 1977 Floodplain Management -**

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.), and the Flood Disaster Protection Act of 1973 (Public Law 93-234, 87 Stat. 975), in order to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development

wherever there is a practicable alternative, it is hereby ordered as follows:

Section 1. Each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

Sec. 2. In carrying out the activities described in Section 1 of this order, each agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget requests reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of this Order, as follows:

(a)(1) Before taking an action, each agency shall determine whether the proposed action will occur in a floodplain--for major Federal actions significantly affecting the quality of the human environment, the evaluation under Section 102(2) (C) of the National Environmental Policy Act. This determination shall be made according to a Department of Housing and Urban Development (HUD) floodplain map or a more detailed map of an area, if available. If such maps are not available, the agency shall make a determination of the location of the floodplain based on the best available information. The Water Resources Council shall issue guidance on this information not later than October 1, 1977. (2) If an agency has determined to, or proposes to, conduct, support, or allow an action to be located in a floodplain, the agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains. If the head of the agency finds that the only practicable alternative consistent with the law and with the policy set forth in this Order requires siting in a floodplain, the agency shall, prior to taking action, (i) design or modify its action in order to minimize potential harm to or within the floodplain, consistent with regulations issued in accord with Section 2(d) of this Order, and (ii) prepare and circulate a notice containing an explanation of why the action is proposed to be located in the floodplain., (S) For programs subject to the Office of Management and Budget Circular A-95, the agency shall send the notice, not to exceed three pages in length including a location map, to the state and areawide A-95 clearinghouses for the geographic areas affected. The notice shall include: (i) the reasons why the action is proposed to be located in a floodplain; (ii) a statement indicating whether the action conforms to applicable state or local floodplain protection standards and (iii) a list of the alternatives considered. Agencies shall endeavor to allow a brief comment period prior to taking any action. (4) Each agency shall also provide opportunity for early public review of any plans or proposals for actions in floodplains, in accordance with Section 2(b) of Executive Order No. 11514, as amended, including the development of procedures to accomplish this objective for Federal actions whose impact is not significant enough to require the preparation of an environmental impact statement under Section 102(2) (C) of the National Environmental Policy Act of 1969, as amended.

(b) Any requests for new authorizations of appropriations transmitted to the Office of

Management and Budget shall indicate, if an action to be proposed will be located in a floodplain, whether the proposed action is in accord with this Order

(c) Each agency shall take floodplain management into account when formulating or evaluating any water and land use plans and shall require land and water resources use appropriate to the degree of hazard involved. Agencies shall include adequate provision for the evaluation and consideration of flood hazards in the regulations and operating procedures for the licenses, permits, loan or grant-in-aid programs that they administer. Agencies shall also encourage and provide appropriate guidance to applicants to evaluate the effects of their proposals in floodplains prior to submitting applications for Federal licenses, permits, loans or grants.

(d) As allowed by law, each agency shall issue or amend existing regulations and procedures within one year to comply with this Order.

These procedures shall incorporate the Unified National Program for Floodplain Management of the Water Resources Council, and shall explain the means that the agency will employ to pursue the nonhazardous use of riverine, coastal and other floodplains in connection with the activities under its authority. To the extent possible, existing processes, such as those of the Council on Environmental Quality and the Water Resources Council, shall be utilized to fulfill the requirements of this Order.

Agencies shall prepare their procedures in consultation with the Water Resources Council, the Federal Insurance Administration, and the Council on Environmental Quality, and shall update such procedures as necessary.

Sec. 3. In addition to the requirements of Section 2, agencies with responsibilities for Federal real property and facilities shall take the following measures:

(a) The regulations and procedures established under Section 2(d) of this Order shall, at a minimum, require the construction of Federal structures and facilities to be in accordance with the standards and criteria and to be consistent with the intent of those promulgated under the National Flood Insurance Program. They shall deviate only to the extent that the standards of the Flood Insurance Program are demonstrably inappropriate for a given type of structure or facility.

(b) If, after compliance with the requirements of this order, new construction of structures or facilities are to be located in a floodplain, accepted flood proofing and other flood protection measures shall be applied to new construction or rehabilitation. To achieve flood protection, agencies, shall, wherever practicable, elevate structures above the base flood level rather than filling in land.

(c) If property used by the general public has suffered flood damage or is located in an identified flood hazard area, the responsible agency shall provide on structures, and other places where appropriate, conspicuous delineation of past and probable flood height in order to enhance public awareness of and knowledge about flood hazards.

(d) When property in floodplains is proposed for lease, easement, right-of-way, or disposal, to non-Federal public or private parties, the Federal agency shall (1) reference in the conveyance those uses that are restricted under identified Federal, State, or local floodplain regulations; and (2) attach other appropriate restrictions to the uses of properties by the grantee or purchaser and any successors, except where prohibited by law; or (3) withhold such properties from conveyance.

Sec. 4. In addition to any responsibilities under this Order and Sections 202 and 205 of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4106 and 4128), agencies which guarantee, approve, regulate, or insure any financial transaction which is related to an area located in a floodplain shall, prior to completing action on such transaction, inform any private parties participating in the transaction of the hazards of locating structures in the floodplain.

Sec. 5. The head of each agency shall submit a report to the Council on Environmental Quality and to the Water Resources Council on June 30, 1978, regarding the status of their procedures and the impact of this Order on the agency's operations. Thereafter, the Water Resources Council shall periodically evaluate agency procedures and their effectiveness.

Sec. 6. As used in this Order;

(a) The term "agency" shall have the same meaning as the term "Executive agency" in Section 105 of Title 5 of the United States Code and shall include the military departments; the directives contained in this Order, however, are meant to apply only to those agencies which perform the activities described in Section 1 which are located in or affecting floodplains. (b) The term "base flood" shall mean that flood which has a one percent or greater chance of occurrence in any given year (c) The term "floodplain" shall mean the lowland and relatively flat areas adjoining inland and coastal waters including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year.

Sec. 7. Executive Order No. 11296 Of August 10, 1966, is hereby revoked. All actions, procedures, and issuances taken under that Order and still in effect shall remain in effect until modified by appropriate authority under the terms of this Order.

Sec. 8. Nothing in this order shall apply to assistance provided for emergency work essential to save lives and protect property and public health and safety, performed pursuant to Sections 305 and 306 of the Disaster Relief Act of 1974 (88 Stat. 148, 42 U.S.C. 5145 and 5146).

Sec. 9. To the extent the provisions of Section 2(a) of this Order are applicable to projects covered by Section 104(h) of the Housing and Community Development Act of 1974, as amended (88 Stat. 640, 42 U.S.C. 5304(h)), the responsibilities under those provisions may be assumed by the appropriate applicant, if the applicant has also assumed, with respect to such projects, all of the responsibilities for environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969, as amended.

Jimmy Carter

The White House, May 24, 1977.

**Attachment B****Public Participation Guidelines**

The applicant must hold a public hearing before DEQ can approve the Facility Plan (FP). At least 30 days prior to the hearing a written notice of the hearing must be sent to the appropriate Federal and State agencies (see Attachment C), interested environmental groups, appropriate local public officials, appropriate minority leaders and groups, and at least one local newspaper. This notice shall include:

- 1 The date, time and place of the hearing.
- 2 A brief description of the proposed project, including the location(s) of any new wastewater facilities, especially wastewater treatment facilities.
- 3 The cost of the project, including the estimated monthly bill to a typical residential household and any connection fee, due to this project.
- 4 The mechanism for paying back the loan such as sales taxes, user fees, etc.
- 5 The availability of the FP for the proposed project for public examination. A copy of the FP must be displayed at the hearing and at a convenient local site for public review 30 days before the hearing.
- 6 The following statement: One of the purposes of this hearing (meeting) is to discuss the potential environmental impacts of the project and alternatives to it.

Notice of the hearing should also be included with the monthly sewer bill which is sent immediately prior to the hearing. This notice may be printed directly on the sewer bill or on a separate enclosure in the envelope with the sewer bill.

The hearing shall conform to the following general format:

1. Call to order
- 2 Sign-in of everyone in attendance
3. Statement of the purpose of the hearing which will include the following: "One of the purposes of this hearing is to discuss the potential environmental impacts of the project and alternatives to it."
4. The considerations to be taken into account under law and regulations, a brief description of the proposed project, the cost of the project including the estimated monthly bill to a typical residential household and any connection fee, and information which is particularly solicited from the public.

A question-and-answer and/or comment period.

The hearing record, which will be made a part of the FP, shall include the following:

- a. A copy of the public hearing notice (proof of publication).
- b. A sample letter and a list of all persons and agencies notified of the hearing.
- c. A list of all persons in attendance at the hearing.

- d. A verbatim transcript, not a summary, of the hearing.

Along with notice of the hearing, the applicant must send a copy of site maps showing the location of all work to the agencies listed on Attachment C. A copy of all response letters from the above agencies must be included in the final FP. **All issues raised by the commenting agencies and/or general public must be addressed by the applicant in the final FP.**

The final Environmental Information Document shall include a responsiveness summary for the public participation activities conducted by the loan applicant. This responsiveness summary shall include the following:

1. A description of the public participation activities conducted.
2. A description of the matters on which the public was consulted.
3. A summary of the views, significant comments, criticisms and suggestions offered by any agency of the Federal, State, or local government, any interested civic organizations or groups, or private citizens. The applicant shall notify LDEQ immediately of any oral or written negative comments received before, during or after the public hearing.
4. Specific responses in terms of modifications of the proposed action or an explanation for rejection of proposals made by the public listed above.
5. Evaluation of the effectiveness of the public participation program. Such evaluations shall be requested from any advisory group and other participating members of the public who wish to contribute to the evaluation.

## Attachment C

### Commenting Agencies

<u>Subject of Comments</u>	<u>Commenting Agency</u>
Endangered or Threatened Plant & Animal Species and their Habitats	<p>Attn: David W. Fruge U.S. Fish &amp; Wildlife Service 646 Cajundome Blvd. Suite 400 Lafayette, LA 70506 (337) 291-3100</p> <p>Attn: Gary Lester, Natural Heritage Section LA Dept. of Wildlife &amp; Fisheries P.O. Box 98000 Baton Rouge, LA 70898-9000 (225) 765-2821</p>
Historic Sites, Cultural &/or Archeological Resources	<p>Attn: Gerri Hobdy State Historic Preservation Officer P.O. Box 44247 Baton Rouge, LA 70804 (225) 342-8160</p>
Section 404 Permits and/or Wetlands	<p>Attn: John Bruza Environmental Section U.S. Army Corps of Engineers P.O. Box 60267 New Orleans, LA 70160-0267 (504) 862-1288</p>
Floodplains	<p>Attn: Janet Griffin Floodplain Insurance Manager LA Dept. of Transportation &amp; Development P.O. Box 94245 Baton Rouge, LA 70804-9245 (225) 274-4354</p>
Wild & Scenic Rivers	<p>Attn: Keith Cascio, Scenic Streams Coordinator LA Dept. of Wildlife &amp; Fisheries 368 Century Park Dr. Monroe, LA 71203 (318) 343-4045</p>
Coastal Zone Area	<p>Attn: Terry W. Howey, Administrator Department of Natural Resources LA Coastal Management Division P.O. Box 44487 Capitol Station Baton Rouge, LA 70804-4066 (225) 342-7943</p>



Sole source Aquifer	Larry D. Wright (6WQ-S) USEPA Region 6 1445 Ross Avenue, Suite 1200 Dallas, TX 75202-2733 (214) 665-7150
Coastal Barriers	Attn: David Fruge, Field Supervisor U.S. Fish & Wildlife Service 646 Cajundome Blvd. Suite 400 Lafayette, LA 70506 (337) 291-3100
Clearinghouse Review for surface Water, ground water And air quality	Attn: Lisa Miller Contracts and Grants, LDEQ P.O. Box 82231 Baton Rouge, LA 70884-2231 (225) 765-0723
National Forests	Attn: Cindy. Dancak U.S.D.A. Forest Service Kisatchie National Forest P. O. Box 5500 Pineville, LA 71360 (318) 473-7160
National Parks, Monuments, etc.	U.S. Department of the Interior National Park Service Office of Environmental Coordination P.O. Box 728 Santa Fe, NM 87504
Agricultural Lands	Attn: Donald Gohmert State Conservationist Natural Resources Conservation Service 3737 Government Street Alexandria, LA 71302
Federally Owned &/or Managed Lands	Attn: Env. Coordinator U.S. Department of the Interior Bureau of Land Management 411 Briarwood Dr. Suite 404 Jackson, MissisFPpi 39206
Intergovernmental Review	See below for appropriate agency
Public Hearing	Attn: Catherine Lundergan Environmental Evaluation Division, LDEQ P.O. Box 82178

Baton Rouge, LA 70884-2178 (225) 765-0810

## Intergovernmental Review Contacts

Parishes Covered	Contact
Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany	Mr. John LeBourgeois, Executive Dir. Regional Planning Commission 333 St. Charles Ave. Suite 1100 New Orleans, LA 70130 Phone (504) 568-6611 Fax (504) 568-6643 <a href="http://www.gnofn.org~rpg">www.gnofn.org~rpg</a>
Ascension, East & West Baton Rouge, East & West Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, Tangipahoa, Washington	Mr. Don Neisler, Executive Director District 2, Capital Region Planning Commission P.O. Box 3355, 333 N. 19th. St. Baton Rouge, LA 70821 Phone (225) 383-5203 Fax (225) 383-3804
Assumption, Lafourche, St. Charles, St. James, St. John, Terrebonne	Mr. Kevin P. Belanger, Executive Director District 3, South Central Planning & Development Commission P.O. Box 846, Thibodaux, LA 70302 Phone (504) 446-0514 Fax (985) 446-0515
Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary, Vermilion	Mr. Layton Miller, Executive Director District 4, Acadiana Regional Clearinghouse P.O. Box 3322 Lafayette, LA 70502 Phone (337) 233-3215 Fax (337) 233-6122
Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis	Mr. Walter F. Grandy, Executive Director District 5, Imperial-Calcasieu Regional Planning & Development Commission P.O. Box 3164, 326 Pujo Street Lake Charles, LA 70602 Phone (337) 433-1771 Fax (337) 433-6077
Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides, Vernon, Winn	Mr. John D. Dennis, Executive Director, District 6 Kisatchie- Delta Regional Planning & Development District P.O. Box 12248,

	Alexandria, LA 71315-2248 Phone (318) 487-5454 Fax (318) 487-5451
Bienville, Bossier, Caddo, Claiborne, DeSoto, Lincoln, Natchitoches, Red River, Sabine, Webster	Mr. M.D. LeComte, President & CEO The Coordinating & Development Corporation 5210 Hollywood Ave. P.O. Box 37005 Shreveport, LA 71133-7005 Phone (318) 632-2022 Fax (318) 632-2099
Caldwell, East & West Carroll, Franklin, Jackson, Madison, Morehouse, Ouachita, Richland, Tensas, Union	Mr. David Creed, Executive Director District 8, North Delta Regional Planning & Development District 2115 Justice Street Monroe, LA 71201 Phone (318) 387-2572 Fax (318) 387-9054

## **Attachment D**

### **Protection of Wetlands - Statement of the President Re Executive Order 11990. May 24, 1977**

#### **Statement by the President**

The Nation's coastal and inland wetlands are vital natural resources of critical importance to the people of this country. Wetlands are areas of great natural products, rivers, and habitat for fish and wildlife resources. Wetlands contribute to the production of agricultural products and timber, and provide recreational, scientific, and aesthetic resources of national interest.

The unwise use and development of wetlands will destroy many of their special qualities and important natural functions. Recent estimates indicate that the United States has already lost over 40 percent of our 120 million acres of wetlands inventoried in the 1950's. This piecemeal alteration and destruction of wetlands through draining, dredging, filling, and other means has had an adverse cumulative impact on our natural resources and on the quality of human life.

#### **Executive Order 11990. May 24, 1977 Protection of Wetlands**

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), in order to avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative, it is hereby ordered as follows:

Section 1. (a) Each agency shall provide leadership and shall take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; and (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

(b) This Order does not apply to the issuance by Federal agencies of permits, licenses, or allocations to private parties for activities involving wetlands on non-Federal property.

#### **Sec. 2.**

(a) In furtherance of Section 101(b)(3) of the National Environmental Policy Act Of 1969 (42 U.S.C. 4331 (b)(3)) to improve and coordinate Federal plans, functions, programs and

resources to the end that the Nation may attain the widest range of beneficial uses of the environment without degradation and risk to health or safety, each agency, to the extent permitted by law, shall avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds (1) that there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use. In making this finding the head of the agency may take into account economic, environmental and other pertinent factors.

(b) Each agency shall also provide opportunity for early public review of any plans or proposals for new construction in wetlands, in accordance with Section 2(b) of Executive Order No.11514, as amended, including the development of procedures to accomplish this objective for Federal actions whose impact is not significant enough to require the preparation of an environmental impact statement under Section 102(2)(C) of the National Environmental Policy Act Of 1969, as amended.

Sec. 3. Any requests for new authorizations or appropriations transmitted to the Office of Management and Budget shall indicate, if an action to be proposed will be located in wetlands, whether the proposed action is in accord with this Order.

Sec. 4. When Federally-owned wetlands or portions of wetlands are proposed for lease, easement, right-of-way or disposal to non-Federal public or private parties, the Federal agency shall (a) reference in the conveyance those uses that are restricted under identified Federal, State or local wetlands regulations; and (b) attach other appropriate restrictions to the uses of properties by the grantee or purchaser and any successor, except where prohibited by law; or (c) withhold such properties from disposal.

Sec. 5. In carrying out the activities described in Section I of this Order, each agency shall consider factors relevant to a proposal 's effect on the survival and quality of the wetlands. Among these factors are:

(a) public health, safety, and welfare, including water supply, quality, recharge and discharge; pollution; flood and storm hazards; and sediment and erosion;

(b) maintenance of natural systems, including conservation and long term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber and food and fiber resources; and

(c) other uses of wetlands in the public interest, including recreational, scientific, and cultural uses.

Sec. 6. As allowed by law, agencies shall issue or amend their existing procedures in order to comply with this Order. To the extent possible, existing processes, such as those of the Council on Environmental Quality and the Water Resources Council, shall be utilized to fulfill the requirements of this Order.

Sec. 7. As used in this Order:

(a) The term "agency" shall have the same meaning as the term "Executive agency" in Section 105 of Title 5 of the United States Code and shall include the military departments; the directives contained in this Order, however, are meant to apply only to those agencies which perform the activities described in Section 1 which are located in or affecting wetlands.

(b) The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of this Order.

(c) The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

Sec. 8. This Order does not apply to projects presently under construction, or to projects for which all of the funds have been appropriated through Fiscal Year 1977, or to projects and programs for which a draft or final environmental impact statement will be filed prior to October 1, 1977. The provisions of Section 2 of this Order shall be implemented by each agency not later than October 1, 1977.

Sec. 9. Nothing in this Order shall apply to assistance provided for emergency work, essential to save lives and protect property and public health safety, performed pursuant to Section 305 and 306 of the Disaster Relief Act of 1974 (88 Stat. 148, 42 U.S.C. 5145 and 5146).

Sec. 10. To the extent the provisions of Sections 2 and 5 of this Order are applicable to projects covered by Section 104(h) of the Housing and Community Development Act of 1974, as amended (88 Stat. 640, 42 U.S.C. 5304(h)), the responsibilities under those provisions may be assumed by the appropriate applicant, if the applicant has also assumed, with respect to such projects, all of the responsibilities for environmental review, decision-making, and action pursuant to the National Environmental Policy Act of 1969, as amended.

Jimmy Carter

The White House, May 24, 1977.